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Attorneys for Defendants

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

COLONY INSURANCE COMPANY,
a Virginia corporation,

Plaintiff,

v.

TRICIA LYNNE ROTH and KAY
HUH,

Defendants.

Case No.: CV 11-01136 SC

STIPULATION TO STAY ACTION
& [~~PROPOSED~~] ORDER

Date: August 26, 2011

Time: 10:00 a.m.

Courtroom: 1

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 The parties hereby stipulate to stay this action, as it was filed without
3
4 knowledge of a parallel state court action which seeks to resolve the same issues.
5 (*Roth v. Colony Specialty Ins. Co., et. al.*, Case No. CIV 503781, San Mateo
6 County Superior Court, assigned to Department 21, the Hon. Robert Foiles
7 presiding.) Should for any reason the state court action fail to resolve finally the
8 issues involved in this action, Colony reserves the right to seek a legal
9 determination by this court of those issues. Likewise, Roth reserves the right to
10 pursue a dismissal should this action resume before the state court action is fully
11 resolved.
12
13
14

15 The parties respectfully request that the court grant the stipulation to stay
16 this action and remove from the court's calendar the Case Management Conference
17 and Motion to Dismiss or Stay the Action, both set for hearing on August 26, 2011,
18 as this stipulation renders those hearings unnecessary.
19
20

21 IT IS HEREBY STIPULATED.

22 Dated: July 15, 2011

SHERNOFF BIDART ECHEVERRIA LLP


23
24 By 

25 MICHAEL J. BIDART
26 RICARDO ECHEVERRIA
27 HOWARD S. SHERNOFF

28 Attorneys for Defendants, Tricia Lynne
Roth and Kay Huh

Dated: July 15, 2011

NIELSEN HALEY & ABBOTT, LLP

By 
STEVE CUSICK
Attorneys for Plaintiff, Colony Insurance
Company

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~~[PROPOSED]~~ ORDER TO STAY
ACTION

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Pursuant to the Stipulation to Stay this matter, the Court grants the stipulation to stay this action and hereby removes from the court's calendar the Case Management Conference and Motion to Dismiss or Stay the Action, both set for hearing on August 26, 2011 at 10:00 a.m. in Courtroom 1 of the above-referenced court.

7/20/11

